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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,982	11/30/2000	E. Michael Lunsford	2908.US.P	6294

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EXAMINER	
LAZARO, DAVID R	
ART UNIT	**PAPER NUMBER**
2155	
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07/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/727,982	LUNSFORD ET AL.	
	Examiner	Art Unit	
	David Lazaro	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,9-13,15 and 17-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5, 7, 9-13, 15 and 17-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the RCE filed 06/08/2007.

2. Claims 1, 9, 15 and 19 were amended.

3. Claims 6, 8, 14, 16 are canceled.

4. Claims 1-5, 7, 9-13, 15 and 17-24 are pending in this office action.

Response to Amendment

5. The objection to claim 15 is withdrawn based on applicant's amendment.

6. Applicant's arguments filed 06/08/2007 have been fully considered but they are not persuasive. See Response to Arguments. The grounds of rejection as presented in the 12/20/2006 office action are respectfully maintained and updated in light of the amendment.

Claim Objections

7. Claim 9 is objected to because of the following informalities:

8. Claim 9 states the language "wherein further the first mobile computing device is operable...". This language is grammatically unclear. The examiner suggests changing the language to "wherein the first mobile computing device is further operable...".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-4, 9-12 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 7,072,939 by Amro et al. (Amro) in view of U.S. Patent 6,128,661 by Flanagin et al. (Flanagin).

11. With respect to Claims 1 and 19, Amro teaches a wireless communication method for selective transmission of data among a group of mobile computing devices, comprising:

broadcasting, from a particular mobile computing device, a query to determine a group of mobile computing devices within communications range (Col. 7 lines 38-46: HCD broadcasts a request for the list of computing devices within communications range);

presenting, on a graphical user interface of the particular mobile computing device, a list of mobile computing devices within communications range (Col. 3 lines 52-56, Col. 6 lines 44-61, Col. 7 lines 47-50: HCD receives and process list of computing devices within range. GUI would be inherent for presenting the list so that a device can be subsequently selected for the data transfer of the document; In order for a computing device to be able to request a particular document desired by the user from a particular device from a dynamic list of devices, a GUI must be used. There is no other way a

computing device would be able to perform such an operation without the user manipulating the received list of devices through a GUI);

receiving a selection of one or more mobile computing devices from the list for a data transfer, the selecting performed at the graphical user interface by a user (Col. 3 lines 52-56, Col. 6 lines 44-61, Col. 7 lines 47-50: at least one computing device is selected for the transfer of a shared document. It is inherent that a GUI would be used for selecting the computing device; In order for a computing device to be able to request a particular document desired by the user from a particular device from a dynamic list of devices, a GUI must be used. There is no other way a computing device would be able to perform such an operation without the user manipulating the received list of devices through a GUI);

performing the data transfer to the one or more mobile computing devices using a wireless communication at the particular mobile computing device (Col. 8 lines 3-31 and Col. 7 lines 21-32: sending/receiving requested shared document; Col. 6 lines 26-30: HCD such as PDA has IR or RF wireless communication)

Amro further teaches a mobile computing device can have IR or RF communications (Col. 6 lines 26-30), but does not explicitly disclose when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link. Flanagin teaches presenting a graphical user interface that allows the

user to select a wireless communication type from a group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

In regards to "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*", the examiner notes the claim language regarding the selection is presented in the alternative; "*a selection of one **or** more mobile computing devices*" (emphasis added). Therefore, there are two corresponding alternative limitations presented: "*when the selection comprises a single mobile computing device, prompting, using the graphical interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link*" and "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*". While Amro is not cited for teaching the selection of more computing devices and the limitations corresponding to such a selection, this rejection meets at least a selection of one mobile computing device and the corresponding "*when the selection comprises a single mobile computing device"* limitation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding computer usable medium Col. 8 lines 38-49)) disclosed by Amro and modify it as indicated by Flanagin such that the method further comprises when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link; and performing the data transfer to the one or more mobile

computing devices using the wireless communication type selected at the particular mobile computing device. One would be motivated to have this, as there is need for reducing the burden on the user in improving the connection and interaction between computing devices (In Flanagin: Col. 2 lines 5-18).

12. With respect to Claims 2, 10 and 20, Amro further teaches wherein at least one of the mobile computing devices is a PID (personal information device) (In Amro: Col. 3 lines 4-10).

13. With respect to Claims 3, 11 and 21, Amro further teaches wherein at least one of the mobile computing devices is a cellular telephone (In Flanagin: Col. 7 line 1-5).

14. With respect to Claims 4, 12 and 22, Amro further teaches wherein the query is broadcast using the RF link (IN Amro: Col. 6 lines 26-30: HCD such as PDA has IR or RF wireless communication).

15. With respect to Claim 9, Amro teaches a wireless communication system for selective transmission of data among a group of mobile computing devices, comprising:

a first mobile computing device operable to broadcast a query to determine a group of mobile computing devices within communications range (Col. 7 lines 38-46: HCD broadcasts a request for the list of computing devices within communications range); and

a display built into the first mobile computing device (Col. 6 lines 25-26) and operable to present a GUI (graphical user interface), the GUI operable to present a list of mobile computing devices within communications range and to receive a selection of one or more mobile computing devices from the list for a data transfer (Col. 3 lines 52-

56, Col. 6 lines 44-61, Col. 7 lines 47-50: HCD receives and process list of computing devices within range and subsequently at least one computing device is selected for the transfer of a shared document. It is inherent that a GUI would be used for presenting the list of devices and selecting the computing device for the data transfer; In order for a computing device to be able to request a particular document desired by the user from a particular device from a dynamic list of devices, a GUI must be used. There is no other way a computing device would be able to perform such an operation without the user manipulating the received list of devices through a GUI),

wherein further the first mobile computing device is operable to perform the data transfer to the selected computing device using the wireless communication type selected (Col. 8 lines 3-31 and Col. 7 lines 21-32: sending/receiving requested shared document by an HCD; Col. 6 lines 26-30: HCD such as PDA has IR or RF wireless communication).

Amro further teaches a mobile computing device can have IR or RF communications (Col. 6 lines 26-30), but does not explicitly disclose wherein when the selection comprises a single mobile computing device, the GUI prompts a user to select, using the GUI, a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link. Flanagin teaches presenting a graphical user interface that allows the user to select a wireless communication type from a group consisting of an infrared link and a radio frequency (RF) link (Col. 9 lines 29-50 and see Fig. 8).

In regards to "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*", the examiner notes the claim language regarding the selection is presented in the alternative; "*a selection of one **or** more mobile computing devices*" (emphasis added). Therefore, there are two corresponding alternative limitations presented: "*when the selection comprises a single mobile computing device, prompting, using the graphical interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link*" and "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*". While Amro is not cited for teaching the selection of more computing devices and the limitations corresponding to such a selection, this rejection meets at least a selection of one mobile computing device and the corresponding "*when the selection comprises a single mobile computing device"* limitation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the system disclosed by Amro and modify it as indicated by Flanagin such that the system further comprises wherein when the selection comprises a single mobile computing device, the GUI prompts a user to select, using the GUI, a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link and wherein further the first mobile computing device is operable to perform the data transfer to the one or more mobile computing devices using the wireless communication type selected. One would be motivated to have this,

as there is need for reducing the burden on the user in improving the connection and interaction between computing devices (In Flanagin: Col. 2 lines 5-18).

16. With respect to Claim 17 and 18, Amro further teaches storing information indicating the wireless communication type selected when the user selects the wireless communication type (In Flanagin: Col. 9 lines 30-60: connectoid).

17. Claims 5, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro in view of Flanagin and further in view of "BLUETOOTH - The universal radio interface for ad hoc, wireless connectivity" Ericsson Review No. 3, 1998, by Haartsen (Haartsen).

18. With respect to Claims 5, 13 and 23, Amro in view of Flanagin teach the use of RF communications (In Amro: Col. 6 lines 26-30), but do not explicitly disclose the RF link is compatible with a version of the Bluetooth specification.

Haartsen teaches Bluetooth technology is supported by many manufacturers and allows portable electronic devices to connect and communication wirelessly vie short-range, ad hoc networks (See Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding system and computer readable medium) disclosed by Amro in view of Flanagin and modify it as indicated by Haartsen such that the RF link is compatible with a version of the Bluetooth specification. One would be motivated to have this, as Bluetooth is well supported and

particularly suitable for ad hoc network such as the networking in Amro (In Haartsen: Abstract and page 117, conclusion).

19. Claims 7, 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amro in view of Flanagin as applied to claims 1 and 9 above, and further in view of U.S. Patent 6,421,716 by Eldridge et al. (Eldridge).

20. With respect to Claims 7, 15 and 24, Amro in view of Flanagin does not explicitly disclose presenting a confirmation of the data transfer.

Eldridge teaches providing feedback by presenting a confirmation to the user (Col. 12 lines 25-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the method (and corresponding system and computer readable medium) disclosed by Amro in view of Flanagin and modify it as indicated by Eldridge such that it further comprises presenting a confirmation of the data transfer. One would be motivated to have this, as it is desirable to keep a user informed in relation to mobile data transactions (In Eldridge: Col. 2 lines 14-29).

Response to Arguments

21. Applicant's arguments filed 06/08/2007 have been fully considered but they are not persuasive.

22. Applicant argues on page 8 of the remarks- "*It should now be understood that the hub polling described by Amro is for a completely different purpose, i.e., discovering all*

devices participating in a collaboration, and by a completely different device, i.e., network interconnect device, than what is claimed. Selective transmission is never contemplated by Amro, a hub is not a computing device, nor would user inputted selection of mobile computing devices take place any GUI of a hub."

a. Examiner's response - The rejection has been clarified in light of applicant's amendment. The rejection now sets forth the HCD (a pda for example) as broadcasting a query to determine a group of mobile computing devices within range. Particularly, an HCD explicitly broadcasts a request to the hub requesting the list of mobile computing devices (Col. 7 lines 38-46). The examiner considers this to be within the scope of the claim language.

23. Applicant argues on pages 8-9 - "*Further, claimed is presenting, on a graphical user interface of the particular mobile computing device, a list of mobile computing devices within communications range. Again, the hub of Amro is not a mobile computing device as claimed. Further, the Examiner's assertion that the hub would have a GUI for presenting the list is pure conjecture. His support for that assertion referes to a section of Amro describing PDAs, which do not discover the other devices or present the list anywhere. Further, the Examiner's implication that device selection would ever occur at the hub is non-sequitor. That is clearly outside of any functionality contemplated by Amro.*"

b. Examiner's response - The rejection has been clarified in light of applicant's amendment. The rejection now sets forth a HCD inherently has a GUI for presenting the list of computing devices within communications range and for selecting a mobile computing device for data transfer. Particularly, it is noted that in Amro, a user of a computing device, such as a PDA, "desires to retrieve a document from another computing device" (Col. 3 lines 52-56). The

particular document on a particular computing device is requested by the requesting device (Col. 3 lines 52-56, Col. 6 lines 61). The document is found by first processing the list of devices available at a given time and then determining the documents on a particular device (Col. 7 lines 47-60). In order for a computing device to be able to request a particular document desired by the user from a particular device from a dynamic list of devices, a GUI must be used. There is no other way a computing device would be able to perform such an operation without the user manipulating the received list of devices through a GUI.

24. Applicant argues on page 9 of the remarks - "*Flanagin describes a mobile device connecting to a desktop computer. The partnered devices described in Flanagin have nothing to do with a broadcast query according to what is claimed. Flanagin "partnered" desktops are preconfigured. Dynamic networking is never considered by Flanagin. The GUI in Flanagin is not populated in response to a broadcast query.*"

c. Examiner's response - Flanagin is not relied on to teach the broadcast query. The examiner further notes the claims do not explicitly state the GUI is populated in response to the broadcast query.

25. Applicant argues on page 9 of the remarks - "*Further still, there is no automatic selection of any wireless communication type in response to devices selected from a list presented on the GUI as claimed. More importantly, according to the invention, the type of wireless communication selected according to the invention is based on a number of devices. The explicit limitation when the selection comprises a single mobile computing device, prompting, using the graphical user interface, the user to select a wireless*

communication type selected from the group consisting of an infrared link and a radio frequency (RF) link, and when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link is never taught in Flanagin. Flanagin always only considers two devices connecting. Flanagin is useless from making the invention obvious. Further still, there is no automatic selection of any wireless communication type in response to devices selected from a list presented on the GUI as claimed."

d. Examiner's response - All the limitations of the claim have been considered, however, as explained in the rejection, some limitations are presented in the alternative. The rejections states,

> 'In regards to "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*", the examiner notes the claim language regarding the selection is presented in the alternative; "*a selection of one **or** more mobile computing devices*" (emphasis added). Therefore, there are two corresponding alternative limitations presented: "*when the selection comprises a single mobile computing device, prompting, using the graphical interface, the user to select a wireless communication type selected from the group consisting of an infrared link and a radio frequency (RF) link*" and "*when the selection comprises multiple mobile computing devices, automatically selecting the radio frequency link*". While Amro is not cited for teaching the selection of more computing devices and the limitations corresponding to such a selection, this rejection meets at least a selection of one mobile computing

device and the corresponding "*when the selection comprises a single mobile computing device*" limitation.'

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David Lazaro
July 20, 2007